



3738
TFW

Under the Paperwork

PTO/SB/21 (09-04)

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/121,300
	Filing Date	July 23, 1998
	First Named Inventor	Kania
	Art Unit	3738
	Examiner Name	David Willse
Total Number of Pages in This Submission	Attorney Docket Number	OHI 1717-096

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Landscape Table on CID	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	Remarks	
	Postcard	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Standley Law Group LLP		
Signature			
Printed name	Eric M. Gayan		
Date	01/05/06	Reg. No.	46,103

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name	Vickie D'Alessandro, Paralegal	Date	1-5-2006

This collection of Information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer U S Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/121,300

Filing Date: July 23, 1998

Applicant: Kania

Group Art Unit: 3738

Examiner: David Willse

Entitled: GELL AND CUSHIONING DEVICES

Docket No.: OHI 1717-096



Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8 (A)

Date of Deposit: January 5, 2006
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as first-class mail in an envelope addressed to Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Vickie D'Alessandro
Vickie D'Alessandro, Paralegal

Sir:

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §§ 1.97-1.98

As authorized and encouraged under 37 CFR §§ 1.97-1.98 and the provisions of MPEP §§ 609 and 707.05(b), Applicant submits on the attached form PTO-1449 certain supplemental patent references, publications and/or other information that the Patent and Trademark Office may wish to consider in examining the above-identified patent application. Applicant submits this statement in accordance with their duty of disclosure under 37 CFR § 1.56.

In accordance with 37 CFR § 1.98, a copy of each document, other than the U.S. patents and the U.S. published patent applications, is included for the express purpose of providing the Patent and Trademark Office with ample opportunity to evaluate the same and arrive at an independent assessment of the materiality of each, if any, to the examination of the above-identified application. In reviewing the enclosed copies, the Examiner is instructed to ignore any underscoring or highlighting which may have been done because such markings may or may not have any relationship to the subject matter of the above-identified application. The copies being submitted with this statement are the best copies available at this time.

The identification of any document in this statement is not intended to be, and should not be understood as being, an admission that each such document, in fact, constitutes "prior art" within the meaning of applicable law.

This statement is filed in accordance with 37 CFR § 1.97(b)(4), before the mailing of a first Office action after the filing of a request for continued examination under § 1.114.

Applicant respectfully requests that the information contained in this statement be made of record in the normal manner and that such information appear on the printed patent as being considered and made of record.

Respectfully submitted,

Date: 01/05/06

By:



Eric M. Gayan
Registration No. 46,103
Standley Law Group LLP
495 Metro Place South, Suite 210
Dublin, Ohio 43017-5319
Telephone: (614) 792-5555
Facsimile: (614) 792-5536



**FORM PTO-1449 TO BE FILED WITH
SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

U.S. Department of Commerce	:	Atty. Docket No.: OHI 1717-096
Patent and Trademark Office	:	Application No.: 09/121,300
	:	Filing Date: July 23, 1998
SUPPLEMENTAL INFORMATION	:	Applicant: Kania
DISCLOSURE STATEMENT	:	Group Art Unit: 3738
BY APPLICANT	:	Examiner: David Willse

U.S. PATENT DOCUMENTS

Examiner's Initial	Document Number	Date	Name(s)	Class/ Subclass
	3,084,685	4/1963	Lewis	602/26
	3,375,821	4/1968	Meek	602/26
	4,116,236	9/1978	Albert	602/26
	4,183,984	1/1980	Browers, et al.	428/81
	4,201,203	5/1980	Applegate	602/26
	4,250,578	2/1981	Barlow	2/24
	4,842,931	6/1989	Zook	428/354
	5,098,421	3/1992	Zook	604/367
	5,154,690	10/1992	Shiono	602/5
	5,336,708	8/1994	Chen	524/474
	5,411,037	5/1995	Hess, et al.	128/882
	5,497,789	3/1996	Zook	128,893
	5,769,809	6/1998	Witzel	602/62
	5,830,237	11/1998	Kania	623/37
	5,854,372	12/1998	Henze, et al.	528/176
	6,440,345	8/2002	Hellberg	264/222
	6,592,539	7/2003	Einarsson, et al.	602/62
	6,761,742	7/2004	Caspers	623/34
	6,964,688	11/2005	Kania	623/36

U.S. PUBLICATION DOCUMENTS

Examiner's Initial	Document Number	Date	Name(s)	Class/ Subclass
	2002/0183859 A1	12/2002	Houser	623/36
	2005/0020951 A1	01/2005	Gaylord, et al.	602/026

FOREIGN PATENT DOCUMENTS

Examiner's Initial	Document Number	Date	Name(s)	Translation? Yes/no
	WO 93/23472	11/25/1993	Hammond	Yes

NON-PATENT REFERENCES

Examiner's Initial	No.	Description
	1.	Silopos Special! Advertisement, Offer Good through 11/30/94, (1 pp.) Knit-Rite, Incorporated, 2020 Grand Avenue, P.O. Box 410208, Kansas City, MO 64141-0208: (816) 221-5200; Fax: (816) 221-2896.
	2.	New Products from Össur, Iceross, Comfort™, "The Ultimate in silicone gel suspension from Össur, the silicone specialist," (1 pp.), November 1997, Distributed by: SPS Orthotic Prosthetic Supplies (800-767-7776).

RELATED CASES

Examiner's Initial	Serial No.	Country	Inventor	Date Filed	Status
	US96/03310	PCT	Arbogast, et al.	03/20/1996	Inactive
	2,190,764	Canada	Arbogast, et al.	03/20/1996	Pending
	96909649.4 0762857 B1	EP	Arbogast, et al.	03/20/1996	Granted 11/09/2005
	05076931.4	EP	Arbogast, et al.	03/20/1996	Divisional filed 08/19/05
	08/688,954	US	Arbogast, et al.	07/31/1996	Abandoned
	US97/09036	PCT	Arbogast, et al.	06/03/1997	Inactive
	97926761.4	EP	Arbogast, et al.	06/03/1997	Ready to Grant
	2,260,801	Canada	Arbogast, et al.	06/03/1997	Pending
	10/107,318	US	Arbogast, et al.	03/28/2002	Abandoned
	10/701,426	US	Arbogast, et al.	11/06/2003	Pending
	11/120,251	US	Kania	05/02/2005	Pending

Examiner	Date Considered
----------	-----------------

Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

The identification of any document herein is not intended to be, and should not be understood as being, an admission that each such document, in fact, constitutes "prior art" within the meaning of applicable law since, for example, a given document may have a later effective date than at first seems apparent or the document may have an effective date which can be antedated. The "prior art" status of any document is a matter to be resolved during prosecution.